

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

EVERYTOWN FOR GUN SAFETY
ACTION FUND, INC.,

Plaintiff

v.

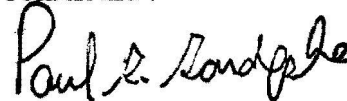
DEFCAD, INC.; ODYSEE USER
XYEEZYSZN; DEFCAD USER
XYEEZYSZN; ODYSEE USER
THEGATALOG-
PRINTABLEMAGAZINES; THE
GATALOG; DEFCAD USER
FREEMAN1337; TWITTER USER
XYEEZYSZN; PHILLIP ROYSTER.

Defendants

Civil Action No. 1:21-cv-08704-PGG

MEMO ENDORSED: Defendants Defcad, Inc.,
Defcad User xYeezySZN, Odysee User xYeezySZN,
Twitter User xYeezySZN, The Gatalog, Defcad
User Freeman1337, and Phillip Royster moved to
dismiss the Complaint on July 22, 2022. On
March 28, 2023, Plaintiff and Defendants Defcad,
Inc., Defcad User xYeezySZN, Odysee User
xYeezySZN, Twitter User xYeezySZN, The
Gatalog, and Phillip Royster (the “Terminated
Defendants”) stipulated to dismissal of this action
with prejudice. (Dkt. Nos. 166, 167, 168)
Accordingly, the motion to dismiss is denied as
moot as to the Terminated Defendants.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Date: September 22, 2023

**NOTICE OF MOTION TO D
JURISDICTION AND IMPRO
ALTERNATIVE TO TRANSF
U.S.C. §1404 AND/OR §1406**

PLEASE TAKE NOTICE that, upon the following papers:

- 1) Memorandum of Law;
- 2) Declaration of Cody Wilson;
- 3) Declaration of Garret Walliman;
- 4) Declaration of Defcad User xYeezySZN, Odysee User xYeezySZN, and
Twitter User xYeezySZN;
- 5) Declaration of The Gatalog;

6) Declaration of Defcad User Freeman1337;

7) Declaration of Phillip Royster;

8) Declaration of Joseph Chavez

and on the prior pleadings, proceedings and papers herein, Defendants Defcad, Inc, Defcad User xYeezySZN, Odysee User xYeezySZN, Twitter User xYeezySZN, The Gatalog, Defcad User Freeman1337, and Phillip Royster hereby move this Court at the United States Courthouse, 40 Foley Square, New York, New York 10007 for an order pursuant to 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure dismissing the complaint for lack of personal jurisdiction and improper venue, or in the alternative, to transfer the case to the United States District Court for the Western District of Texas pursuant to 28 U.S.C. §1404 and/or §1406, and for any other fair and equitable relief that may be appropriate.

Respectfully submitted,

/s/ Daniel L. Schmutter

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DATED: June 15, 2022